

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

In re WALLACE REED BENNETT,

Debtor.

WALLACE REED BENNETT,

Appellant,

vs.

THE SOCIETY OF LLOYD'S,

Appellee.

MEMORANDUM DECISION AND
ORDER ON ATTORNEY FEES

Case No. 2:07-CV-736 TS

In its September 24, 2008 Memorandum Decision and Order affirming the Bankruptcy Court's award of fees, the Court found this appeal is frivolous within the meaning of Fed. R. Bankr. P. 8020 and awarded just damages in an amount equal to LLoyd's reasonable attorney fees incurred in defending this appeal.

LLoyd's has submitted its itemization of its reasonable attorney fees. The itemization is supported by a Declaration regarding the individuals who worked on the appeal and an itemization of their hours, hourly rates, and services. Bennett does not object to the hourly rates or generally to the number of hours. However he objects to the

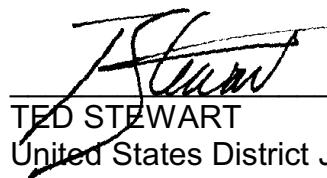
inclusion of fees incurred in a related state court action and a cross appeal. LLoyd's has not provided anything to show that the disputed fees were damages incurred in defending this appeal. Therefore, those fees will be disallowed. The disallowed fees include \$587.50 for the possible cross appeal and \$2,967 for the state court case, a total of \$3,554.50.

The remaining fees are \$14,784. The Court has reviewed the itemization of the those remaining fees and the supporting Declaration. The Court finds the hourly rates are reasonable. Considering the complexity of the matters involved in this appeal as well as the voluminous record, the Court finds the number of hours are reasonable. It is therefore

ORDERED that pursuant to Fed. R. Bankr. P. 8020, \$14,784 is awarded in favor of appellee The Society of LLoyd's and against appellant David D. Bennett as a sanction for filing this frivolous appeal.

DATED November 25, 2008.

BY THE COURT:



TED STEWART
United States District Judge